

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

TAMMY HOLDEN EAVES,)	Civil Action No.: 4:09-cv-1680-JMC-TER
)	
Plaintiff,)	
)	
-vs-)	
)	REPORT AND RECOMMENDATION
)	
LORIS COMMUNITY HOSPITAL)	
DISTRICT d/b/a LORIS HEALTHCARE)	
SYSTEM,)	
)	
Defendant.)	
_____)	

In this employment discrimination action, Plaintiff alleges three causes of action for various violations of the Family Medical Leave Act (FMLA), 29 U.S.C. § 2601, et seq. and a state law cause of action for wrongful discharge. All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(g), DSC. This Report and Recommendation is entered for review by the district judge.

Presently before the Court is Defendant's Motion for Judgment on the Pleadings (Document # 25) as to Plaintiff's fourth cause of action for wrongful discharge in violation of public policy. Defendant argues that it is entitled to judgment as a matter of law pursuant to Rule 12(c), Fed.R.Civ.P., on Plaintiff's wrongful discharge claim because Plaintiff does not allege that she was terminated for refusing to commit a criminal act or that her termination itself was a crime. In her Response (Document # 26), Plaintiff abandons her claim for wrongful discharge in violation of public policy. Accordingly, it is recommended that Defendant's Motion for Judgment on the Pleadings (Document # 25) be granted and Plaintiff's claim for wrongful discharge be dismissed with prejudice.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

September 17, 2010
Florence, South Carolina